

With a view to receiving the advice and consent of the Senate to ratification, subject to the reservation outlined below, I transmit herewith the Patent Law Treaty and Regulations Under the Patent Law Treaty (the "Treaty"), done at Geneva on June 1, 2000, between the Governments of 53 countries including the United States of America. I also transmit, for the information of the Senate, the Key Provisions of the Patent Law Treaty report prepared by the Department of State.

Strong intellectual property protection is a cornerstone of free trade and global market access. This Treaty promotes patent protection by codifying, harmonizing, and reducing the costs of taking the steps necessary for obtaining and maintaining patents throughout the world. The provisions set forth in the Treaty will safeguard U.S. commercial interests by making it easier for U.S. patent applicants and owners to protect their intellectual property worldwide.

The Treaty generally sets forth the maximum procedural requirements that can be imposed on patent applicants, and in addition, provides standardized requirements for obtaining a filing date from which no party may deviate. Additionally, the Treaty provides that applicants cannot be required to hire representation for, among other things, the purpose of filing an application and that patents may not be revoked or invalidated because of noncompliance with certain application requirements, unless the noncompliance is a result of fraud. The Treaty does not limit the United States from providing patent requirements that are more favorable to the patent applicant or patent owner than those set forth in the Treaty or from prescribing requirements that are provided for in our substantive law relating to patents. Additionally, the Treaty is not intended to limit the United States from taking actions that it deems necessary for the preservation of its essential security interests.

This Treaty is in harmony with current U.S. patent laws and regulations, with minor exceptions to be addressed in proposed legislation. Because U.S. law does not require that each patent application apply to only one invention or inventive concept, and because the U.S. Patent and Trademark Office assesses that implementing a provision of the Treaty requiring "unity of invention" for all national applications would require a substantive and impractical change to our Patent Law, I recommend that the following reservation be included in the U.S. instrument of ratification, as allowed by the Treaty:

Pursuant to Article 23, the United States declares that Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

I recommend that the Senate give early and favorable consideration to

this Treaty and give its advice and consent to its ratification, subject to the reservation described above.

GEORGE W. BUSH.  
THE WHITE HOUSE, September 5, 2006.

#### MEASURES PLACED ON THE CALENDAR—H.R. 4157, H.R. 4761, AND H.R. 4890

Mr. FRIST. Mr. President, I understand there are three bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for a second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4157) to promote a better health information system.

A bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the Outer Continental Shelf, and for other purposes.

A bill (H.R. 4890) to amend the Congressional budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

#### NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and that the Senate now proceed to S. Res. 552.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A Resolution (S. Res. 552) designating September 2006 as "National Prostate Cancer Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 552) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 552

Whereas countless families in the United States have a family member that suffers from prostate cancer;

Whereas 1 in 6 men in the United States is diagnosed with prostate cancer;

Whereas throughout the past decade, prostate cancer has been the most commonly diagnosed type of cancer other than skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2006, more than 234,460 men in the United States will be diagnosed with prostate cancer and 27,350 men in the United States will die of prostate cancer according to estimates from the American Cancer Society;

Whereas 30 percent of the new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of being diagnosed with prostate cancer;

Whereas African American males suffer from prostate cancer at an incidence rate up to 65 percent higher than white males and at a mortality rate double that of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the chance that the disease will lead to death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can detect prostate cancer in earlier and more treatable stages and reduce the rate of mortality due to the disease;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting our families: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2006 as "National Prostate Cancer Awareness Month";

(2) declares that it is critical—

(A) to raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) to increase research funding to be proportionate with the burden of prostate cancer so that the causes of the disease, improved screening and treatments, and ultimately a cure may be discovered; and

(C) to continue to consider methods to improve both access to and the quality of health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Wednesday, September 6. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes with the first 15 minutes

under the control of the majority leader or his designee and the final 15 minutes under the control of the minority leader or his designee; further, that the Senate then resume consideration of H.R. 5631, the Department of Defense Appropriations bill. I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly policy luncheons.

THE PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. FRIST. Mr. President, today we continued debate on the Department of Defense Appropriations bill that we started before the August recess. We have three amendments pending, and we expect to have more amendments offered tomorrow. Votes can be expected before the weekly policy luncheons and throughout the day. We will work to finish this important spending bill no later than tomorrow or Thursday. Members who have amendments still to offer to this bill should consult with the bill managers to get their amendments in the queue. Again, I welcome my colleagues back from the recess. We have a lot of work to do, as I outlined earlier this morning, over the course of the next several weeks, and we can expect some very full days.

### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Wednesday, September 6, 2006, at 9:45 a.m.

### NOMINATIONS

Executive nominations received by the Senate September 5, 2006:

#### DEPARTMENT OF AGRICULTURE

CHARLES F. CONNER, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE JAMES R. MOSELEY.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR A TERM OF SEVEN YEARS, VICE ALBERT S. JACQUEZ, TERM EXPIRED.

#### DEPARTMENT OF THE INTERIOR

MARK MYERS, OF ALASKA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE CHARLES G. Groat, RESIGNED.

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

MARY AMELIA BOMAR, OF PENNSYLVANIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE, VICE FRANCES P. MAINELLA, RESIGNED.

DAVID LONGLY BERNHARDT, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE SUE ELLEN WOOLDRIDGE.

#### ENVIRONMENTAL PROTECTION AGENCY

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTED, RESIGNED.

#### DEPARTMENT OF THE TREASURY

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD

FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED.

#### DEPARTMENT OF STATE

CHARLES L. GLAZER, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

#### DEPARTMENT OF LABOR

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

#### DEPARTMENT OF EDUCATION

SARA ALICIA TUCKER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION, VICE EDWARD R. MCPHERSON, RESIGNED.

#### DEPARTMENT OF HOMELAND SECURITY

TRACY A. HENKE, OF MISSOURI, TO BE EXECUTIVE DIRECTOR OF THE OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE C. SUZANNE MENCER, RESIGNED.

#### THE JUDICIARY

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

#### EXECUTIVE OFFICE OF THE PRESIDENT

JAMES F.X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE BARRY D. CRANE.

#### THE JUDICIARY

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

#### DEPARTMENT OF JUSTICE

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

#### THE JUDICIARY

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRING.

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

#### DEPARTMENT OF VETERANS AFFAIRS

ROBERT T. HOWARD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY), VICE ROBERT N. MCFARLAND.

#### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN EDWARD MANSFIELD, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2011. (RE-APPOINTMENT)

LARRY W. BROWN, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2010, VICE R. BRUCE MATTHEWS, RESIGNED.

PETER STANLEY WINOKUR, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2009, VICE JOHN T. CONWAY, TERM EXPIRED.

#### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be colonel

NAKEDA L. JACKSON, 0000  
CHANTAL NEWSOME, 0000

#### To be lieutenant colonel

ORSURE BEAN, 0000  
COLLINS T. LYONS, 0000  
GEORGE H. MAXFIELD, 0000

#### To be major

LILLIAN L. LANDRIGAN, 0000  
JOSEPH A. MARINO, 0000  
KELLEY L. TOMSETT, 0000  
STEVEN R. TURNER, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be lieutenant colonel

LARRY W. APPLEWHITE, 0000  
CLARK H. WEAVER, 0000  
JAY M. WEBB, 0000

#### To be major

PHILLIP A. HOLOCOMBE, 0000  
DENNIS H. MOON, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be major

KATHERINE M. BROWN, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be major

JONATHAN E. CHENEY, 0000  
JAMES S. NEWELL, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### To be major

KEVIN P. BUSS, 0000  
JEFFREY CLARK, 0000  
KAREN R. HOLZCLAW, 0000  
WILLIAM J. HUNT, 0000  
SANDRA M. ROLPH, 0000  
MICHELE R. STONE, 0000  
JILL S. VOGEL, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

#### To be major

JOHN PARSONS, 0000

#### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

RYAN G. BATCHELOR, 0000  
CHRISTOPHER M. SYLVESTER, 0000  
JASON T. YAUMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

MARC A. ARAGON, 0000  
THOMAS C. BALL, 0000  
PABLO C. BREUER, 0000  
JOHN W. CARLS, 0000  
ROBERT A. CLARADY, 0000  
VALENCIA V. COURTNEY, 0000  
HAROLD W. EMPSON, 0000  
CHARLES E. FISHER, 0000  
KELLY GANNON, 0000  
TODD P. GLIDDEN, 0000  
LOUIS M. GUTIERREZ, 0000  
SAMARIA M. HUNTER, 0000  
CAROLINE D. LAHMAN, 0000  
LAURO LUNA, 0000  
GEORGE J. MCCAFFREY III, 0000  
MICHAEL S. MILLIKEN, 0000  
BRADLEY R. NALITT, 0000  
JASON W. PATTERSON, 0000  
RAFAEL PEREZ, JR., 0000  
SAMMIE PRINGLE II, 0000  
WILLIAM A. REVAK, 0000  
ANTONIO J. SCURLOCK, 0000  
CHRISTOPHER SIMPSON, 0000  
JONATHAN W. SIMS, 0000  
GREGORY S. TAYLOR, 0000  
JEFFREY S. WILLIAMS, 0000  
ROBERT A. YEE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

MICHAEL J. BARRIERE, 0000  
ROBERT L. BURGESS, 0000  
BERNARD F. CALAMUG, 0000  
KENNETH D. CAMERON, 0000  
SCOTT G. CARTER, 0000  
FRANCINI R. CLEMMONS, 0000  
MARC K. FARNSWORTH, 0000  
CHRISTOPHER J. HAAS, 0000  
JON M. HERSEY, 0000  
JOSEPH A. HIDALGO, JR., 0000  
DALE F. LOCKLAR, 0000  
VENCENT W. LOGAN, 0000  
JOSHUA D. MACMURDO, 0000  
MICHAEL MARRERO, 0000  
TERENCE N. MEJOS, 0000  
RICARDO MERCADO, 0000  
SATURNINO MOJICA, 0000  
JEFFREY J. MYERS, 0000  
WINFORD A. PERGRINO, 0000  
MARILEE A. PIKE, 0000  
SCOTT C. SCHULZ, 0000  
TIMOTHY M. SNOWDEN, 0000  
KENTARO A. TACHIKAWA, 0000  
JOHN A. TURNER, 0000  
MICHAEL D. WAGNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant commander

JOHN A. ANDERSON, 0000